

Madam Speaker, I urge a "yes" vote on the previous question and on the rule.

The material referred to previously by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 873

OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 2. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; (2) the amendment printed in section 3, if offered by Representative Boehner of Ohio or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read and shall be separately debatable for forty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 3. The amendment referred to in section 2 is as follows:

Strike all after "That" and insert the following:

(1) Clause 9(a) of rule XXI is amended by striking "or" at the end of subparagraph (3), striking the period at the end of subparagraph (4) and inserting "; or", and adding the following at the end:

"(5) a Senate bill held at the desk, an amendment between the Houses, or an amendment considered as adopted pursuant to an order of the House, unless the Majority Leader or his designee has caused a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill and amendments (and the name of any Member, Delegate, or Resident Commissioner who submitted the request for each respective item in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration."

(2) Clause 9(c) of rule XXI is amended to read as follows:

"(c) As disposition of a point of order under paragraph (a), the Chair shall put the question of consideration with respect to the proposition. The question of consideration shall be debatable for 10 minutes by the Member initiation the point of order and for 10 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn."

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote; the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It

is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. McGOVERN. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. McGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110-495) on the resolution (H. Res. 876) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 6, ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

Mr. McGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110-496) on the resolution (H. Res. 877) providing for consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 6) to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2764, THE DEPARTMENT OF STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008 (CONSOLIDATED APPROPRIATIONS ACT, 2008)

Mr. McGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110-497) on the resolution (H. Res. 878) providing for consideration of the Senate amendment to the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Suspending the rules and agreeing to H. Res. 856; suspending the rules and agreeing to H. Res. 851; ordering the previous question on H. Res. 873; and adopting H. Res. 873, if ordered.

Remaining postponed questions will be taken later.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

EXPRESSING HEARTFELT SYMPATHY FOR THE VICTIMS AND FAMILIES OF THE SHOOTINGS IN OMAHA, NEBRASKA, ON WEDNESDAY, DECEMBER 5, 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 856, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution, H. Res. 856.

The vote was taken by electronic device, and there were—yeas 387, nays 0, not voting 45, as follows:

[Roll No. 1163]

YEAS—387

Abercrombie	Burton (IN)	Donnelly
Ackerman	Butterfield	Doolittle
Aderholt	Buyer	Doyle
Akin	Calvert	Drake
Alexander	Camp (MI)	Dreier
Allen	Campbell (CA)	Duncan
Altmire	Cannon	Edwards
Andrews	Cantor	Ellison
Arcuri	Capito	Ellsworth
Baca	Capps	Emanuel
Bachmann	Capuano	Emerson
Bachus	Cardoza	Engel
Baird	Carnahan	Eshoo
Baker	Carney	Etheridge
Baldwin	Castle	Everett
Barrett (SC)	Castor	Fallin
Barrow	Chabot	Farr
Bartlett (MD)	Chandler	Fattah
Barton (TX)	Clarke	Feeney
Bean	Clay	Ferguson
Becerra	Cleaver	Finer
Berkley	Clyburn	Flake
Berman	Cohen	Forbes
Berry	Cole (OK)	Fortenberry
Biggert	Conaway	Fossella
Bilbray	Conyers	Fox
Bilirakis	Cooper	Frank (MA)
Bishop (GA)	Costa	Franks (AZ)
Bishop (NY)	Costello	Frelinghuysen
Bishop (UT)	Courtney	Garrett (NJ)
Blackburn	Cramer	Gerlach
Blunt	Crenshaw	Giffords
Boehner	Crowley	Gillibrand
Bonner	Cuellar	Gingrey
Bono	Culberson	Gohmert
Boozman	Cummings	Gonzalez
Boren	Davis (AL)	Goode
Boswell	Davis (CA)	Goodlatte
Boucher	Davis (IL)	Gordon
Boustany	Davis (KY)	Graves
Boyd (FL)	Davis, David	Green, Al
Boyd (KS)	Davis, Lincoln	Green, Gene
Brady (PA)	Deal (GA)	Grijalva
Brady (TX)	DeFazio	Hall (NY)
Braley (IA)	DeGette	Hare
Broun (GA)	Delahunt	Harman
Brown (SC)	DeLauro	Hastings (WA)
Brown, Corrine	Dent	Hayes
Brown-Waite,	Diaz-Balart, L.	Heller
Ginny	Diaz-Balart, M.	Hensarling
Buchanan	Dicks	Hерger
Burgess	Doggett	Herseth Sandlin

Higgins	McIntyre	Sarbanes
Hill	McKeon	Saxton
Hinchey	McMorris	Schakowsky
Hinojosa	Rodgers	Schiff
Hirono	McNerney	Schmidt
Hodes	McNulty	Schwartz
Hoekstra	Meek (FL)	Scott (GA)
Holden	Meeks (NY)	Scott (VA)
Holt	Melancon	Sensenbrenner
Honda	Mica	Serrano
Hoyer	Michaud	Sestak
Hulshof	Miller (FL)	Shadegg
Inglis (SC)	Miller (MI)	Shea-Porter
Inslee	Miller (NC)	Sherman
Israel	Miller, George	Shimkus
Issa	Mitchell	Shuster
Jackson (IL)	Mollohan	Simpson
Jackson-Lee	Moore (KS)	Sires
(TX)	Moore (WI)	Skelton
Jefferson	Moran (KS)	Smith (NE)
Johnson (GA)	Moran (VA)	Smith (NJ)
Jones (NC)	Murphy (CT)	Smith (TX)
Jones (OH)	Murphy, Patrick	Smith (WA)
Jordan	Murphy, Tim	Snyder
Kagen	Murtha	Solis
Kaptur	Musgrave	Souder
Keller	Nadler	Space
Kennedy	Napolitano	Spratt
Kildee	Neal (MA)	Stark
Kilpatrick	Neugebauer	Stearns
Kind	Nunes	Stupak
King (IA)	Oberstar	Sullivan
King (NY)	Obey	Sutton
Kingston	Olver	Tancredo
Kirk	Pallone	Tanner
Klein (FL)	Pascarella	Tauscher
Kline (MN)	Payne	Taylor
Knollenberg	Pearce	Terry
Kucinich	Pence	Thompson (MS)
Kuhl (NY)	Perlmuter	Thornberry
LaHood	Peterson (MN)	Tiahrt
Lamborn	Peterson (PA)	Tiberi
Lampson	Petri	Tierney
Langevin	Pickering	Towns
Lantos	Pitts	Tsongas
Larsen (WA)	Platts	Turner
Larson (CT)	Poe	Udall (CO)
Latham	Pomeroy	Udall (NM)
LaTourette	Porter	Upton
Latta	Price (GA)	Van Hollen
Lee	Price (NC)	Velázquez
Levin	Putnam	Visclosky
Lewis (CA)	Radanovich	Walberg
Lewis (GA)	Rahall	Walden (OR)
Lewis (KY)	Ramstad	Walsh (NY)
Linder	Rangel	Walz (MN)
LoBiondo	Regula	Wasserman
Lofgren, Zoe	Rehberg	Schultz
Lowe	Reichert	Waters
Lucas	Renzi	Watson
Lungren, Daniel	Reynolds	Watt
E.	Richardson	Waxman
Lynch	Rodriguez	Welch (VT)
Mack	Rogers (AL)	Weldon (FL)
Mahoney (FL)	Rogers (KY)	Westmoreland
Maloney (NY)	Rogers (MI)	Whitfield (KY)
Manzullo	Ros-Lehtinen	Wicker
Markey	Roskam	Wilson (NM)
Marshall	Ross	Wilson (OH)
Matheson	Rothman	Wilson (SC)
Matsui	Roybal-Allard	Wittman (VA)
McCarthy (CA)	Royce	Wolf
McCarthy (NY)	Ruppersberger	Wu
McCaul (TX)	Ryan (OH)	Wynn
McCollum (MN)	Ryan (WI)	Yarmuth
McCotter	Salazar	Young (AK)
McCreery	Sali	Young (FL)
McDermott	Sánchez, Linda	
McGovern	T.	
McHugh	Sanchez, Loretta	

NOT VOTING—45

Blumenauer	Hooley	Paul
Carter	Hunter	Pryce (OH)
Coble	Jindal	Reyes
Cubin	Johnson (IL)	Rohrabacher
Davis, Tom	Johnson, E. B.	Rush
Dingell	Johnson, Sam	Sessions
Ehlers	Kanjorski	Shays
English (PA)	Lipinski	Shuler
Gallegly	Loeb sack	Slaughter
Gilchrest	Marchant	Thompson (CA)
Granger	McHenry	Wamp
Gutierrez	Miller, Gary	Weiner
Hall (TX)	Myrick	Weller
Hastings (FL)	Ortiz	Wexler
Hobson	Pastor	Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are less than 2 minutes remaining on this vote.

□ 1852

Mr. KINGSTON changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SLAUGHTER. Madam Speaker, on rollcall No. 1163, I was unable to vote. Had I been present, I would have voted “yea.”

Mr. EHLERS. Madam Speaker, on rollcall No. 1163, my airplane flight was delayed, so I missed this vote. Had I been present, I would have voted “yea.”

Mr. SHAYS. Madam Speaker, on December 17, 2007, my flight to Washington from New York was delayed and I inadvertently missed 1 recorded vote. I take my voting responsibility very seriously. Had I been present, I would have voted “yea” on recorded vote No. 1163.

HONORING LOCAL AND STATE FIRST RESPONDERS, AND THE CITIZENS OF THE PACIFIC NORTHWEST IN FACING THE SEVERE WINTER STORM OF DECEMBER 2 AND 3, 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 851, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution, H. Res. 851.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 42, as follows:

[Roll No. 1164]

YEAS—390

Abercrombie	Bilbray	Buchanan
Ackerman	Bilirakis	Burgess
Aderholt	Bishop (GA)	Burton (IN)
Akin	Bishop (NY)	Butterfield
Alexander	Bishop (UT)	Buyer
Allen	Blackburn	Calvert
Altmire	Blunt	Camp (MI)
Andrews	Boehner	Campbell (CA)
Arcuri	Bonner	Cannon
Baca	Bono	Cantor
Bachmann	Boozman	Capito
Bachus	Boren	Capps
Baird	Boswell	Capuano
Baker	Boucher	Cardoza
Baldwin	Boustany	Carnahan
Barrett (SC)	Boyd (FL)	Carney
Barrow	Boyd (KS)	Castle
Bartlett (MD)	Brady (PA)	Castor
Barton (TX)	Brady (TX)	Chabot
Bean	Braley (IA)	Chandler
Becerra	Broun (GA)	Clarke
Berkley	Brown (SC)	Clay
Berman	Brown, Corrine	Cleaver
Berry	Brown-Waite,	Clyburn
Biggert	Ginny	Cohen